

REMARKS

This Amendment is submitted in response to the Office Action mailed June 15, 2007. Claims 34-56 are pending. In this Amendment, claims 34 and 56 are amended. No new matter is added.

Information Disclosure Statement

Applicant submits the information disclosure statement according to the recommendation of the Examiner. Applicant respectfully requests consideration of the IDS statement submitted on the PTO-892 form.

Claim Objections

Claim 56 is objected to under 37 CFR 1.75(c) as being of improper dependent form. Claim 56 has been amended to explicitly incorporate the subject matter of the independent claim 34. Therefore, the claim objection is overcome.

35 U.S.C. § 102 Rejections

Claims 34-36 and 41-46 are rejected under 35 U.S.C. § 102(b) as being anticipated by MacOnochie (U.S. Patent No. 4,838,363).

Applicant respectfully submits that the device disclosed in MacOnochie differs significantly from the present invention in that the tool (134) which contacts the work surface is independently impacted by a falling weight (12)

thus, the MacOnochie "hammer" may be considered as either the falling weight (12) or the tool (134), but not both. In contrast, the present invention comprises an integrated single weight/tool element. Indeed, the very essence of the invention is that the combined weight/tool head enables two tool heads to be formed at either end of the weight without requiring the extra complexity necessary for separate weight/tool combinations. This also provides the increased wear characteristics advantages of having an easily interchangeable tool head as described at length throughout the present application.

Consequently, to unambiguously emphasize this distinction over the prior art, claim 34 has been amended to read as follows:

*"...the hammer is a substantially elongated weight with first and second tool ends located at opposing longitudinal ends of the hammer weight..."*

It can thus be seen the weight and tool ends are both formed as the hammer and are not distinct items.

As all the subsequent claims 35-55 are dependent on claim 34, we submit these are similarly novel and should be allowed to proceed to allowance.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 34-36 and 41-46 under 35 U.S.C. § 102(b) as being anticipated by MacOnochie.

35 U.S.C. § 103 Rejections

Claims 37-40 and 47-55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over MacOnochie in view of Kennedy, deceased et al. (5, 012, 873).

Because the prior art does not show each and every limitation of the amended independent claims, claims 37-40 and 47-55 should be found allowable.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 37-40 and 47-55 under 35 U.S.C. § 103(a) as being unpatentable over MacOnochie in view of Kennedy, deceased et al.

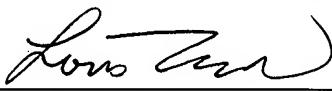
Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,

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Date: December 14, 2007

  
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Art Unit: 3721